

SCHEDULE 4

Transitional provisions

PART 10

Conversion of permits under section 34 of the Gaming Act 1968 into family entertainment centre gaming machine permits

Meaning of existing operator for the purposes of applications for family entertainment centre gaming machine permits

94.—(1) This paragraph specifies the circumstances in which a person applying for a family entertainment centre gaming machine permit (referred to in this Part as a “FEC gaming machine permit”) is to be treated for the purposes of this Part as an existing family entertainment centre operator.

(2) A person is an existing family entertainment centre operator if on the date on which he makes the application for the FEC gaming machine permit—

- (a) he holds a permit under section 34 of the 1968 Act⁽¹⁾ (referred to in this Part as a “section 34 permit”)—
 - (i) granted by one of the authorities mentioned in paragraph 1(b) or (d) of Schedule 9 to the 1968 Act⁽²⁾ in respect of amusement machine premises, and
 - (ii) which is expressed to be granted for the purposes of section 34(1) of the 1968 Act⁽³⁾;
or
- (b) he is applying for such a permit, and the application (including any appeal) has not been finally determined or withdrawn.

(1) Section 34 was amended by [S.I. 1996/1359](#) and [S.I. 2003/3275](#).

(2) Sub-paragraph (b) of paragraph 1 was partially repealed by the Local Government Act 1972 (c. 70), Schedule 30. Sub-paragraph (d) of paragraph 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 24, paragraph 32, and by the Local Government etc. (Scotland) Act 1994, Schedule 13, paragraph 78(4).

(3) Subsection (1) was amended by [S.I. 1996/1359](#).